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FRITZ E. ATTAWAY
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WASHINGTON GENERAL COUNSEL

October 3, 2003

Mr. W. Kenneth Ferree
Chief Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Ferree:

RE: In the Matter of MB Docket No. 02-230 Digital Broadcast Copy Protection

You may have seen a recent ex parte presentation by Philips which includes a table indicating maximum broadband upload/download connection speed of 1.5 mbps and an assertion that "The state of consumer broadband technology and video compression makes remote the threat of widespread redistribution of high- or even standard-definition digital content over the Internet." Public Knowledge, in a footnote in their reply comments stated that "due both to 'last mile' infrastructure limitations and to the architectural limitations of the Internet itself, the actual throughput on consumer broadband bandwidth is unlikely to increase significantly [above 1.5 Mbps] in the next decade."

Please see attached an announcement and a related press article reporting that Comcast is doubling its downstream speed for broadband service from 1.5 Mbps to 3.0 mbps at no additional charge to consumers. The article notes that several other cable providers have recently increased their bandwidth.

This information demonstrates that some parties to this proceeding have materially misstated the transfer speeds of Internet technology.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fritz E. Attaway", written over a horizontal line.

cc: Secretary Marlene Dortch
Paul Gallant
Stacy Robinson Fuller
cc: con't page 2

cc: con't

Johanna Mikes

Tony Dale

Jordan Goldstein

Rick Chesson

Steven Broeckert

Allison Greenwald

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